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Attorneys for Defendants

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KRISTA PERRY, an individual;
LARISSA MARTINEZ, an individual;
and JAY BARON, an individual,

Plaintiffs,

v.

SHEIN DISTRIBUTION
CORPORATION, a Delaware
corporation; ROADGET BUSINESS
PTE. LTD; ZOETOP BUSINESS
COMPANY, LIMITED; and DOES 1-
10 inclusive.

Defendants.

Case No. 2:23-cv-05551-MCS-JPR

**DEFENDANTS' NOTICE OF
MOTION AND MOTION TO
DISMISS PLAINTIFFS' THIRD
AND SIXTH CLAIMS FOR
RELIEF AND MOTION TO
STRIKE PORTIONS OF THE
COMPLAINT**

*[Memorandum of Points and
Authorities; [Proposed] Order
Submitted Concurrently Herewith]*

Date: November 20, 2023
Time: 9:00 a.m.
Place: Courtroom 7C
Judge: Hon. Mark C. Scarsi

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT on November 20, 2023, at 9:00 a.m., or as soon thereafter as the parties may be heard, in the United States District Court for the Central District of California, located at 350 West First Street, Los Angeles, California, before the Honorable Mark C. Scarsi in Courtroom 7C, Defendants Shein Distribution Corporation, Roadget Business Pte. Ltd., and Zoetop Business Company, Limited (collectively, “Defendants”) will and hereby do move the Court for an order dismissing with prejudice Plaintiffs Krista Perry, Larissa Martinez, and Jay Barron’s (collectively, “Plaintiffs”) Third and Sixth Claims for Relief pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on the following grounds:

- Sixth Claim for Relief: Plaintiffs fail to state a RICO claim because (i) garden variety copyright infringement claims, like those alleged by Plaintiffs here, cannot serve as predicate acts to establish a RICO violation, (ii) Plaintiffs do not, and cannot, plausibly allege that Defendants “willfully” infringed their copyrights, (iii) Plaintiffs do not, and cannot, adequately allege proximate causation as required by the RICO statute, and (iv) Plaintiffs fail to adequately allege that each of the Defendants conducted or participated in the conduct of a RICO enterprise; and
- Third Claim for Relief: Plaintiff Baron fails to state a copyright infringement claim because his alleged artwork is not protectable under copyright law.

Additionally, Defendants will and hereby do move the Court to strike the certain portions of Plaintiffs’ Complaint as immaterial, impertinent, and scandalous pursuant to Rule 12(f) of the Federal Rules of Civil Procedure. Specifically, Defendants will and hereby move to have the following matters stricken from the Complaint:

- Compl. ¶ 1 at page 1, lines 7-10 (alleging that Shein is a “societal threat” contributing to “environmental damage, sweatshop (or worse) labor conditions, tax avoidance, child safety”);

- *Id.* ¶ 1 at page 1 n.1, lines 15-18 (alleging that the “dangers posed by Shein” include “exploitation of trade loopholes” and “forced labor”);
- *Id.* ¶ 2 at page 2, lines 1-4 (alleging that Shein “survives grave reports of slave labor”);
- *Id.* ¶ 2 at page 2, lines 11-13, and page 3, line 1 (alleging that Shein sells “Swastikas”);
- *Id.* ¶¶ 25-27 (alleging that Shein has been criticized regarding “Forced Labor,” “Other labor violations,” “Health hazards,” “Environmental impact,” and “Tax avoidance”);
- *Id.* ¶ 30 at page 14, line 11 (alleging that Shein’s products are “cut and sewn in a sweatshop”);
- *Id.* ¶ 33 at page 16, line 2 (alleging that Shein “employs the sweatshop” version of a design process); and
- *Id.* ¶ 39 at page 18, lines 17-18 (alleging that Shein uses “questionable labor practices”).

This Motion is based on this Notice of Motion, the accompanying Memorandum of Points and Authorities, the [Proposed] Order Granting Defendants’ Motion to Dismiss and Motion to Strike, all papers and records on file in this action, and any matters that may properly come before the Court at or before the hearing on this Motion.

This Motion is made following the conference of counsel pursuant to Local Rule 7-3, which took place on September 12 and October 6, 2023.

DATED: October 13, 2023

PAUL HASTINGS LLP

By: /s/ Steven A. Marenberg
Steven A. Marenberg

Attorneys for Defendants